

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)

)

Petitioner,)

)

v.)

Civil Action No. 4:18CV3106

)

SHANE P. KUCHTA,)

)

Respondent.)

ORDER

This matter is before the Court on the Petition of the United States of America to enforce an Internal Revenue Summons ([Filing No. 1](#)), and the attachments thereto,

IT IS ORDERED:

1. Shane P. Kuchta shall appear before the District Court of the United States for the District of Nebraska, 111 So. 18th Plaza, Omaha, Nebraska, at 2:30 p.m. on the 27th day of September, 2018, in Courtroom 7, to show cause why he should not be compelled to comply with the Internal Revenue Service summons served on respondent on May 25, 2018.

2. A copy of this Order, together with the Petition and attachments thereto, shall be served on Respondent by an official of the Internal Revenue Service who is hereby specially appointed for that purpose, and such service shall be made pursuant to Rule 4.1 of the Federal Rules of Civil Procedure, within thirty (30) days of the date of this Order.

3. Within 5 days of service of copies of this Order, the Petition and attachments thereto, Respondent shall file and serve a written response to the Petition. If respondent has any defenses to present or motions to make in opposition to the Petition, such defenses or motions, if any, shall be made in writing and filed with the Court, and copies served on the United States Attorney at least five (5) business days prior to the date of the show cause hearing. Only those

issues raised by motion or brought into controversy by the responsive pleading shall be considered by the Court. Any uncontested allegations in the Petition shall be deemed admitted.

4. In the event no written response to the Petition is filed and served in accordance with this Order, or in the event the response filed does not deny or controvert the allegations of the Petition, the allegations in the Petition will be deemed admitted, and an order will be entered compelling Respondent to comply with the Summons.

5. If Respondent has no objection to compliance with the Summons, Respondent may, at least three (3) business days prior to the date of the show cause hearing, notify the clerk of this Court, in writing, with copies to the United States Attorney, of the fact that no response or appearance as ordered herein will be required because Respondent will comply with the Summons.

Dated August 8, 2018.

BY THE COURT:

S/ Susan M. Bazis
United States Magistrate Judge